

Exhibit 14

July 27, 2021

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF NEW YORK

SHABTAI SCOTT SHATSKY,	-	-	-
individually and as)	Case No. 18-Civ. 12355	
personal representative)		
of the Estate of Keren)	VIRTUAL VIDEOTAPED	
Shatsky, J ANNE)	DEPOSITION OF ABDEL	
SHATSKY, individually)	JABBAR SALEM	
and as personal)		
representative of the)		
Estate of Keren)		
Shatsky, TZIPPORA)		
SHATSKY SCHWARZ, YOSEPH)		
SHATSKY, SARA SHATSKY)		
TZIMMERMAN, MIRIAM)		
SHATSKY, DAVID RAPHAEL)		
SHATSKY, GINETTE LANDO)		
THALER, individually)		
and as personal			
representative of the			
Estate of Rachel			
Thaler, LEOR THALER,			
ZVI THALER, ISAAC			
THALER, HILLEL			
TRATTNER, RONIT			
TRATTNER, ARON S.			
TRATTNER, SHELLEY			
TRATTNER, EFRAT			
TRATTNER, HADASSA			
DINER, Yael HILLMAN,			
STEVEN BRAUN, CHANA			
FRIEDMAN, ILAN			
FRIEDMAN, MIRIAM			
FRIEDMAN, YEHIEL			
FRIEDMAN, ZVI FRIEDMAN,			
and BELLA FRIEDMAN,			

Plaintiffs,

against

July 27, 2021

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THE PALESTINE
LIBERATION ORGANIZATION
and THE PALESTINIAN
AUTHORITY (a/k/a "The
Palestinian Interim
Self-Government
Authority" and/or "The
Palestinian National
Authority"),

Defendants.

- - -

July 27, 2021

1 VIRTUAL VIDEOTAPED DEPOSITION OF ABDEL
2 JABBAR SALEM, witness herein, called by the
3 Plaintiffs, for examination, taken pursuant to
4 the Federal Rules of Civil Procedure, by and
5 before Karen A. Nickel, a Certified Realtime
6 Reporter and a notary public in and for the
7 Commonwealth of Pennsylvania, held remotely
8 with all parties appearing from their
9 respective locations, on Tuesday, July 27,
10 2021, at 7:30 a.m.

11 COUNSEL PRESENT:

12 For the Plaintiffs:

13 Melissa H. Maxman, Esq.
14 Ronald F. Wick, Esq. (Admitted Pro Hac Vice)
15 Cohen & Gresser, LLP
2001 Pennsylvania Avenue, NW
Suite 300
Washington, DC 20006

16 Stephen M. Sinaiko, Esq.
17 Cohen & Gresser, LLP
800 Third Avenue
18 New York, NY 10022

19 For the Defendants:

20 Mitchell R. Berger, Esq.
21 Joseph Alonzo, Esq.
Squire Patton Boggs
2550 M Street NW
Washington, DC 20037

22 Also Present: Elizabeth Bezverkha
23 Eszter Vincze
Corey Wainaina, Videographer
24 Hadeer Al Amiri, Interpreter
Safwan Al-Amin, Check
25 Interpreter

Abdel Jabbar Salem

July 27, 2021

I N D E X

WITNESS	PAGE
Abdel Jabbar Salem	
By Ms. Maxman	6

E X H I B I T S

NUMBER	DESCRIPTION	PAGE
Exhibit 1	Amended Notice of Deposition	20
Exhibit 2	Prisoner Payments	28
Exhibit 3	E-mail	37
Exhibit 4	Payment Records	51
Exhibit 5	Combined Exhibits	58

July 27, 2021

P R O C E E D I N G S

VIDEOGRAPHER: Good morning, everyone. We are now on the record. Participants should be aware that this proceeding is being recorded and, as such, all conversations held will be recorded unless there is a request and agreement to go off the record.

This is the remote video-recorded deposition of Abdel Jabbar Salem. Today is Tuesday, July 27, 2021. The time is now 11:22 UTC time. We are here in the matter of Shatsky versus PLO.

My name is Corey Wainaina, remote video technician on behalf of US Legal Support located at 90 Broad Street, New York, New York. I am not related to any party in this action, nor am I financially interested in the outcome.

At this time, will the reporter, Karen Nickel, on behalf of US Legal Support, please enter the statement for remote proceedings into the record.

THE REPORTER: The attorneys participating in this deposition acknowledge that I am not physically present in the

July 27, 2021

1 deposition room and that I will be reporting
2 this deposition remotely.

3 They further acknowledge that, in
4 lieu of an oath administered in person, the
5 witness will verbally declare his testimony in
6 this matter is under penalty of perjury.

7 The parties and their counsel
8 consent to this arrangement and waive any
9 objections to this manner of reporting. Please
10 indicate your agreement by stating your name
11 and your agreement on the record.

12 MS. MAXMAN: Melissa Maxman, I
13 agree.

14 MR. BERGER: This is Mitchell
15 Berger on behalf of the Defendants, and I
16 agree.

17 (The interpreter was duly
18 sworn.)

19 ABDEL JABBAR SALEM, a witness herein,
20 having been first duly sworn, was examined and
21 testified as follows:

22 EXAMINATION

23 BY MS. MAXMAN:

24 Q. Good morning, or good afternoon. I
25 don't know what time it is where you are.

July 27, 2021

1 Thank you for being here today. My
2 name is Melissa Maxman. I'm a partner at Cohen
3 & Gresser, and we represent the Plaintiffs in
4 this matter.

5 Could you please state your name and
6 address for the record.

7 A. Good afternoon. My name is Abdel
8 Jabbar Mohammad Salem.

9 Q. And your address?

10 A. My address is [REDACTED].

11 Q. And how do you spell your name, sir?

12 A. How do I spell my name?

13 Q. Yes.

14 A. A-B-D-E-L, J-A-B-B-A-R, S-A-L-E-M.

15 Q. Thank you. What is your occupation
16 and title?

17 A. I work at -- I work in the financial
18 ministry. I work as director of the salary and
19 financial in the Palestinian government in
20 Ramallah.

21 Q. Director of salary and financial,
22 did I hear that correctly?

23 A. The director of the salary, the
24 wages.

25 Q. Okay. Thank you. Have you ever had

1 your deposition taken before?

2 A. No.

3 Q. I'm going to be asking you questions
4 throughout today and tomorrow, and I would like
5 to go over some ground rules first so that you
6 understand the process.

7 A. Yes, ma'am.

8 Q. Do you understand that you are
9 testifying here today under oath?

10 A. Yes, correct.

11 Q. And the court reporter will be
12 transcribing everything we say. So to make
13 sure that the record is accurate, and
14 especially since this deposition is taking
15 place via video remotely because of the COVID
16 pandemic, it's important that we not speak over
17 each other and that only one person speaks at a
18 time.

19 So please wait until I finish my
20 question before you start answering, and I will
21 wait -- I will try to wait until you finish
22 your answer before I ask another question.

23 Is that understood?

24 A. (Witness nodded head affirmatively.)

25 Q. I couldn't hear you, I'm sorry. I

July 27, 2021

1 think it's the audio. He said yes?

2 A. Yes.

3 Q. Thank you. It is also important for
4 you to respond to the questions verbally
5 because, otherwise, the court reporter cannot
6 transcribe what you said. She cannot
7 transcribe a head nod, yes or no. Is that
8 understood?

9 A. Understood.

10 Q. Thank you. If you don't understand
11 one of my questions, please say so. I will try
12 to rephrase it for you if you don't understand
13 it. But if you answer my question, I will
14 assume you understood my question; is that
15 understood?

16 A. Understood.

17 Q. Your counsel may object to my
18 questions. Unless your counsel instructs you
19 not to answer a question, you should go ahead
20 and answer the question even though there is an
21 objection pending.

22 Do you understand that?

23 A. Understood.

24 Q. I may take periodic breaks during
25 the deposition. If you need a break, please

July 27, 2021

1 let me know, me or your attorney know, and I
2 will do my best to accommodate your request.

3 However, if a question is pending, I
4 ask that you answer the question first before
5 we take a break. All right?

6 A. Thank you.

7 MS. MAXMAN: Because we are
8 here remotely during the pandemic, we would ask
9 that the Defendants confirm that pursuant to
10 Rule 30(b)(4) of the Federal Rules of Civil
11 Procedure, today's deposition may be taken by
12 video conference as we are proceeding, and,
13 pursuant to Rule 29, parties also stipulate
14 that Ms. Nickel is an appropriate officer
15 before whom this deposition may be taken even
16 though she is in Pennsylvania and the witness
17 is physically located in Jordan.

18 Do we agree, Mr. Berger?

19 MR. BERGER: Yes, we do agree.

20 MS. MAXMAN: Thank you.

21 BY MS. MAXMAN:

22 Q. Is there any reason that you can
23 think of that you will not be able to answer my
24 questions today fully and accurately and
25 truthfully?

July 27, 2021

1 A. No, there isn't.

2 Q. Just so you understand, we are going
3 to be referring to the Defendants today as --
4 the Palestinian Authority, I'm going to refer
5 to as PA, and I will be referring to the
6 Palestinian Liberation Organization as PLO.

7 Do you understand that?

8 A. Yes.

9 Q. I'm going to start with your
10 personal background, with your educational
11 background. What is your highest level of
12 education?

13 A. I have a Bachelor degree in
14 accounting from An-Najah University.

15 Q. Could you spell the name of your
16 University?

17 A. I'm not that good in English.

18 Q. Okay. You testified that you are
19 the collector of salary wages. Before your
20 position with -- let me back up.

21 Who is your employer today?

22 A. Not the director, the director of --
23 yes.

24 Q. Okay. Thank you. I misheard.
25 Thank you.

July 27, 2021

1 Who is your employer today?

2 A. My director is the Minister of
3 Finance.

4 Q. That is the person to whom you
5 report?

6 A. Correct.

7 Q. Yes?

8 MR. BERGER: Counsel, I think
9 we understood your question. I think the
10 translation was who is your boss rather than
11 for what organization do you work.

12 MS. MAXMAN: Okay. Thank you.

13 BY MS. MAXMAN:

14 Q. For what organization do you work
15 currently?

16 A. The Ministry of Finance.

17 Q. The Ministry of Finance of what
18 organization?

19 A. The Palestinian Authority.

20 Q. Okay. And when you said you worked
21 for -- your boss was the Minister of Finance,
22 who is that person?

23 A. Shukri Bishara.

24 Q. Aside from director of salary, do
25 you have any other titles with the Palestinian

July 27, 2021

1 Authority?

2 A. No.

3 Q. Do you hold any other titles within
4 the PLO?

5 A. No.

6 Q. And this Shukri Bishara -- forgive
7 me if I'm not pronouncing his name correctly --
8 is -- give me a second.

9 Your boss, does he hold any
10 positions with the PLO?

11 A. No. Only the Minister of Finance.

12 Q. For the Palestinian Authority?

13 A. Yes.

14 Q. And who appointed the Minister of
15 Finance?

16 A. I assume the Prime Minister.

17 Q. The Prime Minister of the
18 Palestinian Authority?

19 A. Yes, correct.

20 Q. How long have you held your current
21 position?

22 A. Ten years.

23 Q. Have you had other positions within
24 the PA?

25 A. Before ten years, I was working in

July 27, 2021

1 the treasury in the same position, the finance
2 and the Ministry of Finance, and the payment
3 department.

4 Q. And before that -- well, how long
5 were you in that position?

6 A. From 1995 up until 2010.

7 Q. And before 1995, what was your --
8 what was your employment?

9 A. I was not working anywhere. I was
10 just graduating from college. And then I
11 joined the Ministry of Finance.

12 Q. Okay. So since college, you have
13 been employed by the Palestinian Authority --
14 I'm sorry, let me rephrase that.

15 Since 1995 when you graduated from
16 college, your only employer has been the
17 Palestinian Authority?

18 A. Correct.

19 Q. What are your current
20 responsibilities as director of salary for the
21 ministry of finance?

22 A. I work as the general director of
23 the salaries, of the wages, in the Ministry of
24 Finance. This includes preparing, collecting
25 and, up until the distribution of the salaries

July 27, 2021

1 in the Palestinian Authority.

2 Q. And are you the director of the
3 salaries for everyone who works for the
4 Palestinian Authority?

5 A. Yes, correct.

6 Q. How many people work for the
7 Palestinian Authority?

8 A. It ranges from employees and semi
9 employees around 120,000 workers.

10 Q. What do you mean by "semi
11 employees"?

12 MR. BERGER: I am going to
13 object to the question as being outside the
14 scope of this jurisdictional discovery
15 deposition. We have been trying to give you
16 some leeway on background, but the Judge's
17 admonition is to stick to the predicates of the
18 jurisdictional statute.

19 You may answer, but we're going to
20 see how this goes.

21 THE WITNESS: When I say semi
22 employment, I mean, this means some people who
23 work as a contract or temporary, that work for
24 a period of time.

25 BY MS. MAXMAN:

July 27, 2021

1 Q. Do you also oversee payments to
2 prisoners?

3 A. I am responsible for overseeing the
4 distribution of the payment. The collection
5 and these responsibilities are in the prison
6 affairs.

7 Q. What are you collecting?

8 A. Like, what do you mean by that?

9 Q. You said -- I believe you said, I am
10 responsible for overseeing the distribution of
11 the payments and the collection. And you said,
12 and these responsibilities are in the prison
13 affairs.

14 And my question is, what do you mean
15 by "collection"?

16 A. I oversee the information, examine
17 the information that I receive from the
18 prisoners' affairs, because these are not
19 salaries. These are incentives that are given.

20 So I examine them and oversee them.
21 And then it gets distributed.

22 MR. BERGER: Excuse me. We
23 object to the translation. He did not use the
24 word "incentives" in his comment. "Allocation"
25 would be the correct translation.

July 27, 2021

1 MS. MAXMAN: Mr. Berger, are
2 you using a check translator on your end?

3 MR. BERGER: I have an Arabic-
4 proficient associate listening to the
5 translation. He is serving as our check
6 translator.

7 BY MS. MAXMAN:

8 Q. Okay. So you're saying -- let me
9 ask the question again because I am now
10 completely confused.

11 My question is, what do you mean by
12 "collection"?

13 A. By "collection," I mean the
14 information that we get as a CD, and we examine
15 them -- examine the allocations and the
16 department IT before handling it to prisoners'
17 affairs to avoid inequality.

18 Q. You mean you get it on a compact
19 disk, a CD?

20 MR. BERGER: We object to the
21 translation. The witness did not use the word
22 "inequality." He used the word "double
23 counting."

24 INTERPRETER: Sorry. This is
25 the interpreter. This is "alaizdiwajia," which

1 is not double counting.

2 MR. BERGER: Duplication is
3 our translation.

4 MS. MAXMAN: Can we go off the
5 record for a minute, please?

6 MR. BERGER: Certainly.

7 THE VIDEOGRAPHER: We are now
8 off the record. The time is 11:50 UTC time.

9 (Discussion held off the
10 record.)

11 THE VIDEOGRAPHER: We are
12 back on the record. The time is 11:53 UTC
13 time.

14 MS. MAXMAN: Mr. Berger, can
15 you please identify the associate that is with
16 you that is serving as your check translator?

17 MR. BERGER: Yes, I did that
18 off the record.

19 MS. MAXMAN: We can't hear
20 you, sir.

21 MR. BERGER: Can you hear me
22 now?

23 MS. MAXMAN: Yes.

24 MR. BERGER: I did that with
25 the court reporter while you were off the

July 27, 2021

1 record. His first name is Safwan, S-A-F-W-A-N,
2 last name Al-Amin, A-L, dash, A-M-I-N.

3 MS. MAXMAN: Okay. Thank you.

4 MR. BERGER: While we are
5 talking about check translation, and maybe this
6 will save you some time, but let me put it on
7 the record, which is that our translation of
8 the word you are asking about, "collection,"
9 was, in fact, more properly translated as
10 "preparation."

11 MS. MAXMAN: Okay. We will
12 leave that for a moment and come back to it.

13 BY MS. MAXMAN:

14 Q. Mr. Salem, you realize you have been
15 designated as the 30(b)(6) deponent about the
16 Palestinian Authority and the PLO today; do you
17 understand that?

18 INTERPRETER: I'm sorry, this
19 is the interpreter. Can you repeat the
20 question?

21 MS. MAXMAN: Sure.

22 BY MS. MAXMAN:

23 Q. Are you aware that you have been
24 designated as the corporate witness for both
25 the PA and the PLO today?

1 A. Yes, I know that.

2 MS. MAXMAN: Can we please put
3 up Tab 1 which, court reporter, I will be
4 entering as Exhibit 1 for the record. It is
5 the 30(b)(6) deposition notice that is dated
6 June 16, 2021, and I will ask that we scroll
7 through the exhibit.

8 (Deposition Exhibit No. 1 was
9 marked for identification.)

10 BY MS. MAXMAN:

11 Q. And my question for the witness is,
12 have you seen this document before?

13 A. Yes.

14 Q. And what -- when did you first see
15 it?

16 A. When I met with the attorneys.

17 Q. When was that?

18 A. Approximately, a month ago.

19 Q. And you are appearing today as a
20 witness pursuant to this notice; correct?

21 A. Correct.

22 Q. Who designated you, who decided that
23 you would be the designee to testify on behalf
24 of the Palestinian Authority?

25 A. I received this from the Minister of

July 27, 2021

1 A. Yes, correct.

2 Q. Does the PA make the payments to the
3 prisoners?

4 MR. BERGER: Object to the
5 form of the question. Assumes facts not in
6 evidence.

7 BY MS. MAXMAN:

8 Q. You may answer.

9 A. I didn't understand your question.

10 Q. Okay. Does the PA make the payments
11 to the prisoners?

12 MR. BERGER: Same objection to
13 form. You may answer.

14 THE WITNESS: The PA pays the
15 allocations for the families and the members of
16 the prisoners, and the PA make the payments,
17 all the payments, and part of these payments
18 goes towards the families of the prisoners.

19 BY MS. MAXMAN:

20 Q. Where does the PA obtain the funds
21 to make these payments?

22 A. It's the income that the PA receives
23 from the taxes, from the customs, from the
24 merchants, from the revenues.

25 MS. MAXMAN: I would like to

July 27, 2021

1 off the record. The time is 12:34 UTC time.

2 (Discussion held off the
3 record.)

4 THE VIDEOGRAPHER: We are
5 back on the record. The time is 12:45 UTC
6 time.

7 BY MS. MAXMAN:

8 Q. As of April 18, 2020, who was the
9 head of the prisoners' affairs?

10 A. The PA.

11 Q. I mean who is the individual who
12 heads --

13 A. Qadri Abu Bakr.

14 Q. Does Mr. Bakr have any other titles
15 within the PA?

16 A. No. He is the head of the director
17 of the prisoners' affairs.

18 Q. Does he have any other titles within
19 the PLO?

20 A. I don't think so.

21 Q. Who decides the recipients -- strike
22 that.

23 Who decides what prisoners and
24 ex-prisoners are paid?

25 MR. BERGER: Objection.

July 27, 2021

1 Counsel, can we have an agreement that your
2 question is as of and after April 18, 2020?

3 MS. MAXMAN: Yes.

4 THE WITNESS: It's the
5 prisoners' affairs within the Palestinian law.

6 BY MS. MAXMAN:

7 Q. Within Palestinian law?

8 A. The law for the prisoners' affairs
9 and ex-prisoners.

10 Q. Are you referring --

11 MS. MAXMAN: Can we put up Tab
12 24, Elizabeth.

13 (Deposition Exhibit No. 3 was
14 marked for identification.)

15 MS. MAXMAN: I'm going to
16 represent for the record that this is a copy of
17 an English translation of the Prisoners and
18 Ex-Prisoners Law No. 19 of 2004. I do not have
19 a copy in -- wait. Maybe I do have a copy in
20 Arabic.

21 Actually, Elizabeth, if you scroll
22 back to the end of this document, we do have
23 the law in Arabic. Could you -- I'll tell when
24 you to stop. Okay, great. Okay. That's
25 perfect.

July 27, 2021

1 to the extent of his personal knowledge.

2 MS. MAXMAN: Okay. I'll just
3 remind you that he is a corporate designee
4 witness on this topic, but thank you for
5 allowing me to --

6 MR. BERGER: He is a designee
7 on the topics as you drew them, and you didn't
8 -- and we would never have agreed to have him
9 testify generally about Palestinian law. That
10 is not how you drew the 30(b)(6) documents.

11 MS. MAXMAN: I don't want to
12 waste any more of our valuable and limited
13 deposition time arguing about this because I --
14 thank you for allowing the witness to answer,
15 and I will move on.

16 BY MS. MAXMAN:

17 Q. Mr. Salem, is this the law you were
18 referring to when you said -- when I asked you
19 the question, who decides who gets payments,
20 and you said, it's the law?

21 A. The law is the law that applies to
22 the people and decided within the prisoners'
23 affairs department, and I'm not sure whether it
24 was amendment or renewed; I don't have any
25 knowledge about that.

July 27, 2021

1 Q. Okay. And I'm not asking you about
2 the details of the law. I'm just asking when
3 you said, in response to my question, who
4 decides which prisoners get payments, it was
5 the law, are you referring to this law that I
6 am showing you?

7 A. I meant the law that is worked on in
8 the prisoners and ex-prisoners' affairs that is
9 used there.

10 Q. Is this the law that is used by the
11 prisoners' affairs office?

12 A. I don't know whether the law has
13 been amended or not or renewed, but this is
14 what is within Law No. 19 for the year 2004.
15 But I am not sure it's still the same or it has
16 been amended.

17 Q. Okay. Thank you. As of April 18,
18 2020, through today, is there any formal
19 oversight of the activities of prisoners'
20 affairs?

21 A. Nothing new happened in this matter.

22 Q. Is there any authority that oversees
23 the activities of prisoners' affairs?

24 A. There is the general legal affairs
25 that monitors the activities of the prisoners'

July 27, 2021

1 A. After approving the payment, and
2 after seeing that it's eligible according to
3 the laws and regulations, they will include
4 this entitlement within the CD for the families
5 of the prisoners.

6 Q. And then the Ministry of Finance
7 makes the payments?

8 A. Yes.

9 Q. Who determines what amount each
10 prisoner or prisoner's family receives?

11 A. It's according to the scale of
12 salaries within the prisoners' affairs, and
13 what really determines the amount is the
14 duration, the actual duration of the presence
15 of the prisoner in prison.

16 Q. Who sets the scale?

17 A. The scale is within the main law of
18 the prisoners' affairs.

19 Q. Are some prisoners also Palestinian
20 Authority officers in security forces?

21 MR. BERGER: Object to the
22 form of the question. It's outside the scope
23 of the 30(b)(6) notice and of the scope of
24 jurisdictional discovery, but the witness may
25 answer to the extent of his personal knowledge.

July 27, 2021

1 You may answer.

2 THE WITNESS: These
3 regulations are determined by the detainees and
4 freed affairs, and they determine the rules and
5 regulations, and the attorneys are the ones who
6 are going to inspect this document and
7 determine or decide whether the family is
8 eligible for the allocation or not.

9 BY MS. MAXMAN:

10 Q. So, Mr. Salem, as the corporate
11 designee for both the PA and the PLO, it is
12 your testimony that you have no idea what the
13 facts are supporting the determination of
14 payments to Mr. Abu Wardeh?

15 MR. BERGER: Objection,
16 misstates his testimony. You may answer.

17 THE WITNESS: The decision is
18 based on the regulation for, and the rules --
19 the rules and regulations from the prisoners
20 and freed affairs, the attorneys who look,
21 inspect these documents and make the decision
22 for the eligibility of the family to receive
23 the allocation or not.

24 My knowledge, it would be political
25 or safety and --

July 27, 2021

1 MR. BERGER: Security.

2 THE WITNESS: Security and

3 they --

4 THE COURT REPORTER: I'm

5 sorry, I did not hear the word, or safety and

6 what?

7 THE WITNESS: Political or

8 security, and the prisoners' affairs and freed

9 is the ones who make the decision and mainly

10 the general benefit of the legal department who

11 makes this determination and decision.

12 MR. BERGER: We also think the

13 translation is criteria, not regulations.

14 BY MS. MAXMAN:

15 Q. So it's your testimony, Mr. Salem,

16 that the attorneys at the prisoners' affairs

17 department are the individuals who are

18 knowledgeable about how and why a determination

19 is made that Abu Wardeh's beneficiary is

20 eligible for payment; am I understanding you

21 correctly?

22 A. Within the laws and the criteria

23 that are used to determine in the prisoners'

24 affairs.

25 Q. So you did not talk to anybody from

July 27, 2021

1 prisoners' affairs about what the laws and
2 criteria were in preparing for your deposition
3 as a corporate designee on behalf of the PLO
4 and the PA in this matter?

5 A. No, I spoke with the attorneys.

6 Q. Did you ask them what the criteria
7 were under the laws for becoming eligible for
8 payment?

9 A. Yes, I did.

10 Q. What did they tell you?

11 A. That the prisoner has to be detained
12 under either political or security, of course.

13 Q. That the prisoner has to be detained
14 because of political or security reasons?

15 A. Only on security and political basis
16 the allocations will be disbursed to his family
17 as long as he is still in prison.

18 Q. So are you saying that if Mr. Abu
19 Wardeh was imprisoned for shoplifting, he would
20 not be eligible for a payment?

21 A. According to my knowledge and
22 according to the criteria that is used, he is
23 not eligible for allocations if it was
24 shoplifting.

25 Q. What types of crimes would be

July 27, 2021

1 A. No.

2 Q. Okay. How do you know?

3 A. Because the act of terror is from
4 the Israeli point of view. For us, we don't
5 consider it, acknowledge it. It's either a
6 political or a security act.

7 Q. Mr. Salem, you're willing to
8 characterize Mr. Abu Wardeh's acts as political
9 or security acts; correct?

10 A. It is characterized by the legal
11 department and the prisoners' affairs.

12 Q. So but you're saying that the legal
13 department and prisoners' affairs are unwilling
14 to characterize these acts as terrorism?

15 A. We are -- we all don't characterize
16 the act as an act of terror. It is categorized
17 according to the Israeli side and point of
18 view.

19 Q. So if you are willing to
20 characterize it as one thing and unwilling to
21 characterize it as an act of terrorism, you
22 must know what it is; correct?

23 MR. BERGER: Objection,
24 argumentative.

25 THE WITNESS: The act of the

July 27, 2021

1 family is either political or security, and for
2 that reason, it is eligible to dispense the
3 allocations for the family.

4 BY MS. MAXMAN:

5 Q. What is the act?

6 A. He had an act, I don't have the full
7 details of the act, but according to the
8 Israeli indictment, he had an act either
9 security or political. For that reason, it was
10 eligible by the prisoners' affairs to be
11 eligible for dispensing the allocation.

12 Q. So you would agree that the payments
13 were made to him by reason of his imprisonment
14 for the acts described in the indictment?

15 A. I don't agree. I don't agree. He
16 was entitled to the allocation because he was
17 in prison and not because of the rest of the
18 indictments.

19 Q. But if he were in prison for
20 shoplifting, you told me he would not be
21 eligible?

22 A. Definitely no.

23 Q. Why not?

24 A. Because the criteria or the
25 standards say it has either to be on a security

July 27, 2021

1 or a political.

2 MS. MAXMAN: All right. Let's
3 go off the record.

4 THE VIDEOGRAPHER: We are off
5 the record. The time is 15:46 UTC time.

6 (Discussion held off the
7 record.)

8 THE VIDEOGRAPHER: We are
9 back on the record. The time is 15:48 UTC
10 time.

11 MS. MAXMAN: Mr. Berger?

12 MR. BERGER: Yes. On behalf
13 of Defendants, we designate this transcript as
14 confidential under Paragraph 6 of the
15 Protective Order in this case.

16 MS. MAXMAN: Do you have
17 anything further to add?

18 MR. BERGER: I have nothing
19 further.

20 MS. MAXMAN: Nor do I.

21 THE VIDEOGRAPHER: We are off
22 the record at 15:48 UTC time. This concludes
23 today's deposition. Thank you, everyone, and
24 take care.

25 (Discussion held off the

July 28, 2021

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SHABTAI SCOTT SHATSKY, individually and as
personal representative of the Estate of
Keren Shatsky, J. ANNE SHATSKY, individually
and as personal representative of the Estate
of Keren Shatsky, TZIPPORA SHATSKY SCHWARZ,
YOSEPH SHATSKY, SARA SHATSKY TZIMMERMAN,
MIRIAM SHATSKY, DAVID RAPHAEL SHATSKY,
GINNETTE LANDO THALER, individually and as
personal representative of the Estate of
Rachel Thaler, LEOR THALER, ZVI THALER,
ISAAC THALER, HILLEL TRATTNER, RONIT
TRATTNER, ARON S. TRATTNER, SHELLEY
TRATTNER, EFRAT TRATTNER, HADASSA DINER,
Yael Hillman, STEVEN BRAUN, CHANA FRIEDMAN,
ILAN FRIEDMAN, MIRIAM FRIEDMAN, YEHIEL
FRIEDMAN, ZVI FRIEDMAN, and BELLA FRIEDMAN,

Plaintiffs,

-against-

THE PALESTINIAN LIBERATION ORGANIZATION
and THE PALESTINIAN AUTHORITY (a/k/a
"The Palestinian Interim Self-Government
Authority" and/or "The Palestinian National
Authority"),

Defendants.

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Case No. 18-Civ. 12355

** CONFIDENTIAL **

CONTINUED REMOTE VIDEOTAPED DEPOSITION OF

ABDEL JABBAR SALEM

Wednesday, July 28, 2021

Reported by JEFFREY BENZ, CRR, RMR

JOB NO. 366126

July 28, 2021

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July 28, 2021

11:36 UTC

Videotaped Deposition of ABDEL JABBAR SALEM,
taken remotely, before Jeffrey Benz, a Certified
Realtime Reporter, Registered Merit Reporter and
Notary Public of the State of New York.

July 28, 2021

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July 28, 2021

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A P P E A R A N C E S: (Ctd.)

ALSO PRESENT:

ELIZABETH V. BEZVERKHA, Cohen & Gresser

HADOOR AL AMIRI, Arabic Interpreter

COREY WAINAINA, Videographer

July 28, 2021

INDEX

ABDEL JABBAR SALEM

Examination by:	Page
MS. MAXMAN	138

EXHIBITS

Number	Description	Page
Exhibit 6	Prisoner salary statement, beginning with Bates number JD 292-T	147
Exhibit 7	Prisoner File for Hussam Abdul-Kader Ahmad Halabi, Bates-numbered JD 1190-T to 1214-T	147
Exhibit 8	Prisoner salary statement for Mohammed Abdel-Basset Awda Haroub, Bates Number 363 through 364	159
Exhibit 9	File for Mohammed Abdel-Basset Awda Haroub, Bates Number JD 1348 through 1367	159
Exhibit 10	Bates Numbers 524 through 525, allocation statements and the prison records for Yahia Muhamad Naif Abdullah Hajj Hamad	171
Exhibit 11	Bates Numbers 1782 through 1804, Bates Numbers 524 through 525, allocation statements and the prison records for Yahia Muhamad Naif Abdullah Hajj Hamad	171

July 28, 2021

Number	Description	Page
Exhibit 12	Bates Numbers 533 to 534, prisoner file for Alaa Raed Saleh Zughayer	176
Exhibit 13	Bates Numbers 1857 through 1886, Prisoner File for Alaa Raed Saleh Zughayer	177
Exhibit 14	Bates Numbers 1880 to 1886, Prisoner File for Alaa Raed Saleh Zughayer	177

PREVIOUSLY MARKED:

Number	Description	Page
Exhibit 3	Palestinian Law	185
Exhibit 4	Salary Statement for Abu Warda	138

July 28, 2021

1 Salem - Confidential

2 In Tab 21, that's included on 1865T.

3 In his final remarks, the defendant
4 expressed regret for his actions, said that he
5 was sorry for them, and even added that he had
6 not understood the immensity of the actions in
7 which he had taken part.

8 Does that apology to the Israeli court
9 impact in any way the payments that he receives?

10 MR. BERGER: Objection. Lacks
11 foundation.

12 But you may answer.

13 A. This apology, if it's present, which I
14 cannot see from the Israeli court, doesn't
15 affect the allocation, because the amount
16 depends on the actual number of years spent in
17 prison, the actual amount of years that the
18 detainee spends in prison.

19 Q. So the Palestinian Authority's
20 Prisoners Affairs Department would not take into
21 account the fact that a prisoner that they are
22 paying expressed remorse for his actions.

23 A. The Detainees Affairs and the
24 attorneys affirmed to me that the -- there is --
25 no statement, I don't see the statement. And

July 28, 2021

1 Salem - Confidential

2 families.

3 Q. Are any of the documents that you've
4 produced to us -- do any of the documents that
5 you've produced to us include any of the
6 financial information about the condition of the
7 families?

8 A. The attorneys affirmed to me that this
9 is the way they make sure about it. And the
10 family, when they submit an application for
11 allocations, they are in need of the financial
12 assistance or for the allocation because of
13 their son being in prison.

14 And, of course, the same documents
15 that you have we have, and we supplied you with
16 all the documents that we have. And there is no
17 information that is not submitted and present in
18 the documents. Everything was submitted.

19 Q. Okay. We have reviewed everything you
20 gave us. And there is no documentation in
21 anything you gave us about the financial
22 condition of the families.

23 MR. BERGER: Okay. There's no
24 question pending.

25 MS. MAXMAN: Okay.

July 28, 2021

1 Salem - Confidential

2 Q. Can you point me to any of -- anything
3 we've missed? Is there any document that you've
4 submitted to us that talks about the financial
5 conditions of the families?

6 A. I don't have any documents in front of
7 me that is not submitted to you. You have all
8 the documents that I have, and these information
9 has been affirmed by the Detainees Affairs and
10 the attorneys.

11 Q. Are you aware of --

12 MR. BERGER: Before you ask the
13 next -- excuse me. Before you take your --
14 ask your next question, we need to take a
15 short break. The witness is getting very
16 tired.

17 MS. MAXMAN: Okay.

18 MR. BERGER: Five minutes?

19 MS. MAXMAN: Fine.

20 THE VIDEOGRAPHER: Okay. We are now
21 off the record. The time is 14:24 UTC
22 time.

23 (A recess was taken from 14:24 to
24 14:33.)

25 THE VIDEOGRAPHER: We are back on the

July 28, 2021

1 Salem - Confidential

2 record. The time is 14:33 UTC time.

3 Q. Mr. Salem, I'm going to direct your
4 attention to -- on Exhibit 13, pages 1875
5 through 1878.

6 Can you tell me what this document is?

7 A. This document is the information for
8 the prisoner.

9 Q. And this is a four-page -- a four-page
10 document that is an official Palestinian
11 Authority document, correct?

12 A. This is a form that is filled, in the
13 directories, in the subdirectories.

14 Q. It's a preprinted form, correct?

15 A. Yes, it's a printed form.

16 Q. And it's created by the Palestinian
17 Authority, correct?

18 A. The -- it's created by the Detainees
19 Affairs or the subdirectorates.

20 Q. Of the Palestinian Authority?

21 A. Yes, correct.

22 Q. Okay. And what is the purpose of this
23 form? Why is this form created?

24 A. The purpose of the creation of this
25 form is to submit it to the -- the purpose of

July 28, 2021

1 Salem - Confidential

2 this form is to be submitted to the Detainees
3 and Freed Affairs. It includes individual
4 information about the detainee: the name, the
5 identification number. And included with this
6 form, definitely there is the Red Cross document
7 and any identification document from -- for the
8 detainee to be sent to the Detainees Affairs to
9 be inspected.

10 Q. And if a prisoner is seeking
11 compensation of any type, whether continued
12 salary or allocation, he must fill out or have
13 someone fill out this form.

14 A. The ones who is filling this form is
15 the family of the detainee, because they -- the
16 detainee is in prison. And the family is the
17 ones who submits the information to receive the
18 allocation.

19 Q. If this form is not submitted, would a
20 prisoner be -- or his family -- be entitled to
21 any compensation?

22 A. If the family does not submit a
23 request to receive the allocations, the
24 allocations will not be dispensed.

25 Q. And this is the form on which they

July 28, 2021

1 Salem - Confidential

2 must make the request, correct?

3 A. This form is included with the list of
4 indictment, if it's present, or the certificate
5 from the Red Cross. And it will be submitted
6 all to the Detainees Affairs. And when it is
7 submitted, this means that the family is in need
8 of these allocations.

9 Q. And without this form -- if this form
10 is not submitted, no allocations will be made.

11 Am I correct?

12 A. Definitely, yes.

13 Q. Okay. Let's look at this form. On
14 page 1875, it asks for personal information on
15 the prisoner.

16 Do you see that? Or ex-prisoner.

17 A. Yes. It's a prisoner. It includes
18 information regarding -- regarding detainee.

19 Q. Okay. And let's -- and that includes,
20 for example, religion, marital status, refugee
21 status, education.

22 A. Yes.

23 Q. And then turning to the next page,
24 1876, it asks for more information about the
25 prisoner; am I right?

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2 A. Yes, more information.

3 Q. And that includes information about
4 his arrest and also if he has any illnesses?

5 A. Yes, correct.

6 Q. And then turning over to page 1877, it
7 asks for information concerning the
8 beneficiaries of the prisoner's allowance.

9 A. Correct.

10 Q. And then on page 1878, it asks for his
11 employment or his advisor's information, and
12 then asks for documents to be attached.

13 You see that?

14 A. Yes, I see it.

15 Q. And those documents are -- include
16 that -- they ask for include the prisoner's ID,
17 the indictment, bank account card, children's
18 birth certificates, copies of education
19 certificates, and other things. Additional
20 wife, or wives, verdict decision, marriage
21 certificate.

22 A. Yes. It's asking, yeah, for a lot of
23 documents and information.

24 Q. And this information -- this document,
25 the personal information form, is the same or

July 28, 2021

1 Salem - Confidential

2 similar to the ones that we've seen in the other
3 prisoners' files we've looked at over the last
4 two days; am I right?

5 A. Most likely, it's similar. It's a
6 list of personal information about the detainee
7 asking about the information, but the most
8 important document is the indictment.

9 Q. And in this document that we've just
10 looked at, this does not ask for any financial
11 information about the prisoner's family; am I
12 correct?

13 MR. BERGER: Objection to the form.

14 Misstates the document.

15 But you may answer.

16 A. As long as the families of the
17 detainee goes and submits the form to the
18 Detainees Affairs office -- or their one of
19 their offices, this means that the family is in
20 it, even though it's not listed on this form.

21 Q. But the Palestinian Authority form
22 never asks for documentation evidencing the
23 family's need.

24 MR. BERGER: Same objection.

25 Misstates the document.